

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. BERGER, ET AL.,

No. C-05-2523 CRB (JCS)

Plaintiff(s),

v.

**NOTICE OF REFERENCE;
ORDER TO MEET AND CONFER**

ROSSIGNOL SKI COMPANY, ET AL.,

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Joseph C. Spero for resolution of Defendant's Motion to Compel Plaintiffs to Fully Respond to Rossignol's Interrogatories Nos. 1-13 and Request for Production Nos. 1-25 (the "Motion") and all future discovery matters.

It appears that counsel have not made adequate efforts resolve this matter without the need for Court intervention. Accordingly, IT IS HEREBY ORDERED that no later than ten (10) days from the date of this Order, lead trial counsel for Plaintiffs and lead trial counsel for Defendant shall meet and confer **in person** regarding the subject matter of the Motion in an effort to resolve the matter(s). **Counsel shall provide a detailed Joint Letter to the Court no later than March 20, 2006.** This Joint Letter shall include a description of every issue in dispute and, with respect to each such issue, a detailed summary of each party's final substantive position and its final proposed compromise on each issue. After reviewing the Joint Letter, the Court will determine what additional briefing and/or hearings, if any, are necessary.

1 In addition, the Court hereby ORDERS that no further motions to compel be filed unless
2 counsel have complied with this Court's rules regarding in-person, meet-and-confer procedures, as
3 described below.

4 **LAW AND MOTION HEARING PROCEDURES**

5 Civil law and motion is heard on Friday mornings, at 9:30 a.m., Courtroom A, 15th Floor,
6 United States District Court, 450 Golden Gate Avenue, San Francisco, California, 94102.

7 Motions to compel may be noticed without reserving a hearing date, subject to the Court's
8 availability.

9 In the event of an emergency during a discovery event, the parties may contact the Court
10 directly and request a telephonic hearing.

11 With respect to all other **future** motions to compel, the following procedures apply:

- 12 1) In the event that any party believes that there is a legitimate discovery dispute at
13 which meet-and-confer efforts have failed (whether by telephone, letter, or meeting of
14 counsel other than lead trial counsel), that party shall request an in-person, meet-and-
15 confer session attended by lead trial counsel for each side. Upon request, such a
16 meeting shall occur within ten (10) business days.
- 17 2) The location of the meet-and-confer sessions shall alternate. The first meet-and-
18 confer session, as set forth above, will be at the offices of counsel for Defendant. If
19 new discovery disputes arise and another meet-and-confer session of lead trial
20 counsel is requested, that meet-and-confer session shall occur at the office of counsel
21 for Plaintiffs. (If there are any further disputes, the location of the meet-and-confer
22 sessions will alternate.) Within five (5) business days of the lead trial counsels'
23 meet-and-confer session, the parties will provide a detailed Joint Letter to the Court
24 that must include a description of every issue in dispute, and with respect to each
25 such issue, a detailed summary of each party's final substantive position and their
26 final proposed compromise on each issue. The Court will then determine what
27 additional briefing and/or hearings are necessary.
28

Any party seeking an award of attorney's fees or other expenses in connection with this motion shall file a motion in accordance with Civil Local Rule 37-1(e).

A party or counsel has a continuing duty to supplement the initial disclosure when required under Federal Rule of Civil Procedure 26(e)(1).

Law and motion matters may be submitted without argument upon stipulation of the parties and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L. R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of the date for service of the opposition. Thereafter, leave of the Court must be sought.

COURTESY COPIES

All documents shall be filed in compliance with the Civil Local Rules. Documents not filed in compliance with those rules will not be considered by the Court.

BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS' COPY." All filings of documents relating to motions referred to Magistrate Judge Spero shall list the civil case number and the district court judge's initials followed by the designation "(JCS)".

The failure of counsel or a party to abide by this Order may result in sanctions pursuant to Federal Rule of Civil Procedure 16(f).

IT IS SO ORDERED.

Dated: March 10, 2006



JOSEPH C. SPERO
United States Magistrate Judge